

Phillips

From: Thomas M. Smith (tsmith@eckertseamans.com)

To: davidberlin13@yahoo.com

Cc: sklein@schlamstone.com

Date: Thursday, July 13, 2017, 03:18 PM EDT

In response to your email the other day:

We would like to see your proposed pleading before we stipulate to accept service (I will of course recommend to my client that we accept); as my grandmother who was raised in a log cabin on Flatbush Avenue used to say: "never buy a pig in a poke". I don't know what that means but it seems appropriate.

As to your citation to a Second Department case regarding the Notice of Pendency, we do not agree that the case you have cited is controlling precedent and would submit that it is limited to its facts.

Thank you.

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EXHIBIT E